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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In re Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Dafter, Michigan)

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MM Docket No. 95-119
RM-8667

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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REPLY COMMENTS OF DAFTER COMMUNITY BROADCASTERS

Dafter Community Broadcasters (hereafter "DCB"), by its undersigned counsel, and pursuant to the provisions of Sections 1.415 and 1.420 of the Commission's Rules and Regulations, hereby respectfully submits these reply comments in response to the "Comments of Algoma Broadcasting Co." (hereafter "Algoma"), filed on September 11, 1995.¹

1. Algoma's Comments attempt to demonstrate that the community of Dafter, Michigan, is "...nothing more than a T intersection of two roads." Algoma argues that Dafter "...is not incorporated and has no town government." Rather, Algoma argues that Dafter is a "quiet village" and not entitled to a first local FM broadcast allotment. Algoma's attempt to deny Dafter a

¹ The Commission's Notice of Proposed Rule Making, DA 95-1573, released July 21, 1995, set September 26, 1995 as the deadline for reply comments in this proceeding. DCB is submitting these reply comments pursuant to the deadline set in the Notice.

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first local broadcast allotment must fail based on the true facts surrounding life in Dafter, Michigan.

2. As DCB demonstrated in connection with its comments, the township of Dafter, Michigan is listed in the U.S. Department of Commerce's Census of Population bulletin as in incorporated township with a population of 1,037 persons. Attached hereto as Exhibit 1 is a copy of the Dafter Township zoning map, as revised in November of 1994. This map shows the residential, commercial, industrial, agricultural and other zoning categories for the land encompassed by the township limits of Dafter. Attached hereto as Exhibit 2 is a second map of Dafter Township as it relates to the entire Upper Peninsula area of Michigan. As demonstrated in these maps, and contrary to the assertions of Algoma, Dafter is hardly a "T" intersection of two roads. Moreover, Exhibit 2 shows that Dafter is a separate and distinct geographic community from Sault Ste Marie, Michigan, a community located at some distance north of Dafter.

3. As DCB noted in its comments, Dafter is managed by a locally-elected Township Supervisor, a Township Clerk, a Township Treasurer, and two Township Trustees. These Dafter officers, all elected by the residents of Dafter, are presently as follows:

Rudolph L. Hyvarinen	Supervisor
Dorothy Wilson	Clerk
Carolyn Haarala	Treasurer
Stanley Atkinson	Trustee
Robert St. Peter	Trustee

The Dafter township officers duly adopted a budget for fiscal year 1996 on April 13, 1995. That budget is attached hereto as Exhibit 3. A review of the budget will show that Dafter is engaged in raising revenues from the township tax base and funding normal expenses of the types that are traditionally found in smaller, yet perfectly viable communities. These budgeted categories for expenditures include elections, roads, recreation, zoning, fire services, municipal maintenance and improvements, salaries, education, the public library, utilities, insurance, professional fees, etc. Algoma's assertion that Dafter lacks a local government is clearly erroneous, as are its perceptions that Dafter is nothing more than a bedroom community of Sault Ste Marie, Michigan.

4. In its comments, DCB noted a number of businesses and civic organizations located in Dafter. Algoma implies in its Comments that Dafter is nothing more than a vast wasteland, void of such local enterprises. DCB would note that in addition to the businesses and civic organizations located within Dafter that it listed in its comments, the following are also located within that community: Graham Trucking Company, Cross-County Kennels, Sharolyn Restaurant and Motel, Sunset Motel, Color North Body Shop, Chippewa County Animal Shelter, Betty's Dafter Inn, Wayside Mennonite Church, Willow Grove Farm Antiques, Rein Inn and Motel and Clear Lake Campground. Moreover, as noted in the Dafter Township map submitted as Exhibit 1 hereto, there are various land zoning areas in Dafter, the largest of which are residential

and farming.

5. Finally, Algoma argues that evidence that Dafter is not a separate community from Sault Ste Marie is found in the fact Dafter has no separate telephone exchange and that all Dafter telephone listings are found in the Sault Ste Marie telephone book. Regional telephone listing are not unusual for lesser populated areas of the United States, such as the Upper Peninsula area of Michigan. In fact, none of the cities, townships or villages in the region have their own section in the Sault Ste Marie telephone book due to the modest size of the communities in this area. The lack of a Dafter section in the telephone book is hardly evidence that Dafter does not exist as a separate community from Sault Ste Marie, Michigan, particularly in light of the substantial body of evidence DCB has tendered to the Commission on the social, political, economic and cultural indicia of community in Dafter.

6. Rather, Algoma, the Commission licensee of WKNW(AM) and WYSS(FM), Sault Ste Marie, Michigan, is attempting to forestall the proposed FM allotment to Dafter in order to avoid the institution of a first local broadcast station in that community--a broadcast service that will compete with its stations for radio advertising revenues in the Upper Peninsula region. Such an anti-competitive action by Algoma should not be tolerated by the Commission.

Wherefore, DCB submits that Dafter, Michigan is a place of social, economic and cultural diversity qualifying it as a community for allotment purposes. DCB reiterates its support for the assignment of FM Channel 293A to Dafter, Michigan.²

Respectfully submitted,
Dafter Community Broadcasters

By: 

Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: September 26, 1995

² DCB incorporates its petition for rule making and comments in this proceeding herein by reference.

EXHIBIT 1

DAFTER TOWNSHIP

Zoning
Map

Revised
November 1994

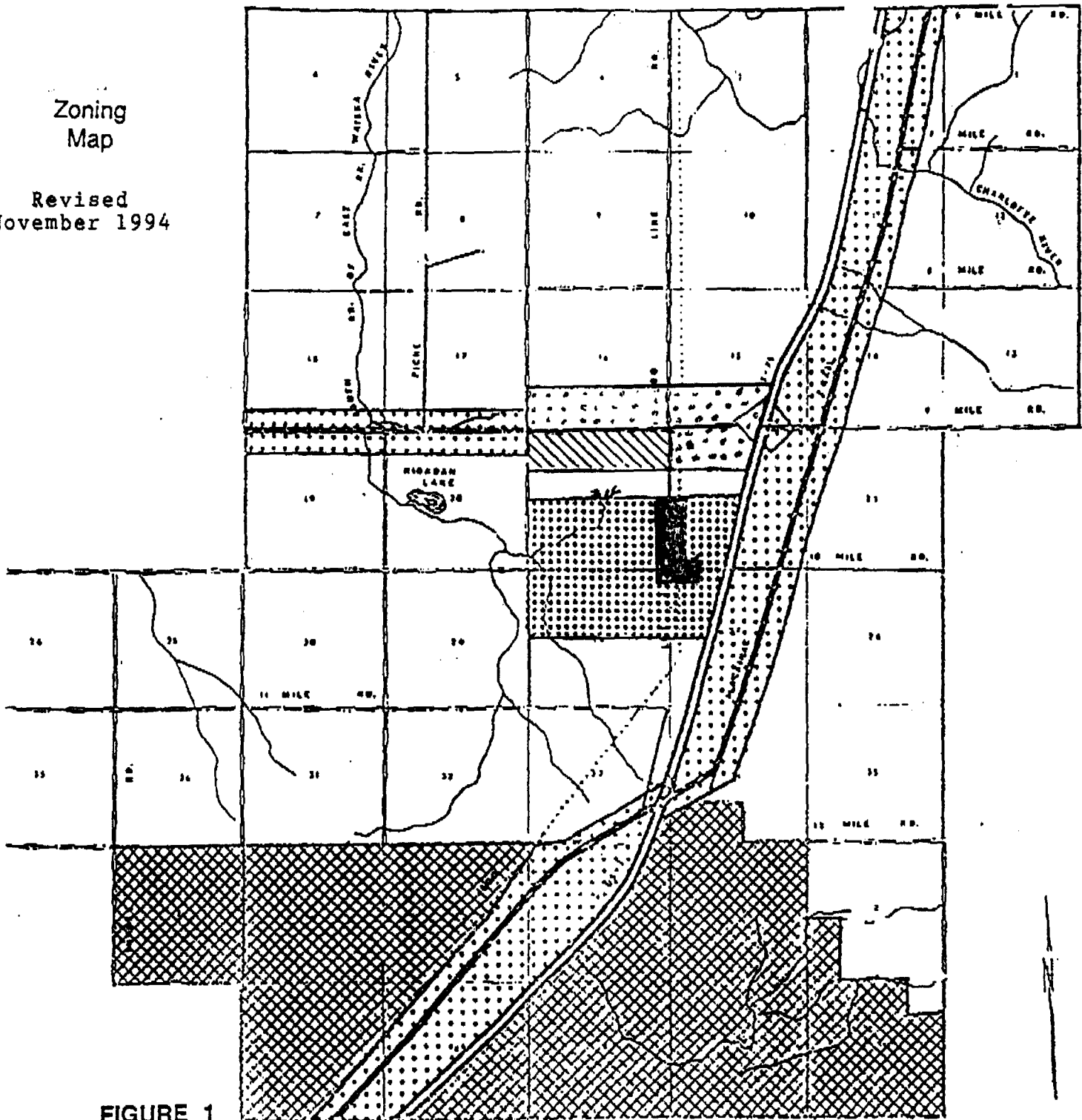


FIGURE 1

LEGEND:







- RESIDENTIAL 
- RURAL RESIDENTIAL/COMMERCIAL 
- COMMERCIAL 
- INDUSTRIAL 
- AGRICULTURAL 
- FORESTRY/RECREATION 

EXHIBIT 2

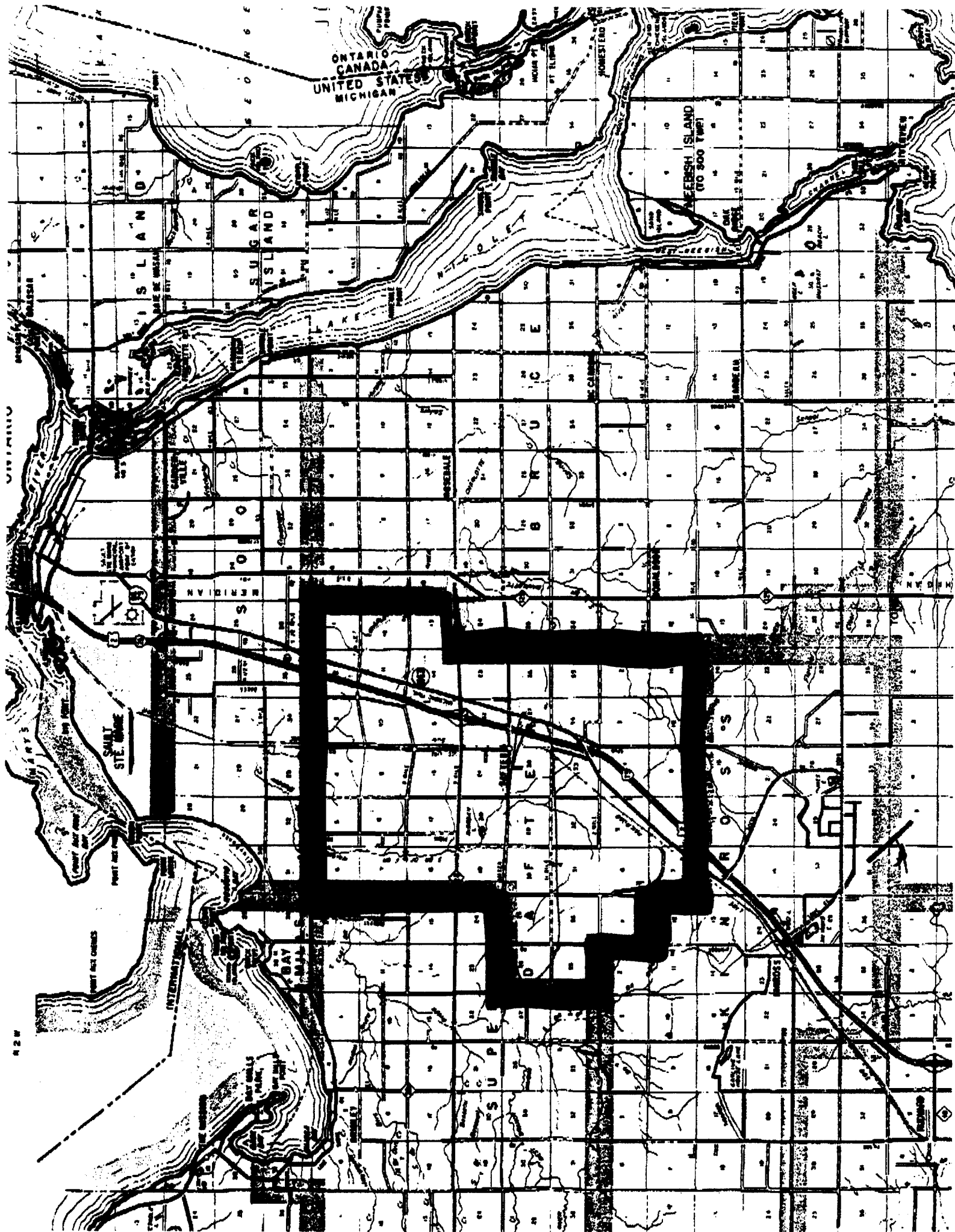


EXHIBIT 3

Dafter Township

Dafter, Michigan 49724

1995-96

BUDGET

GENERAL FUND

Anticipated Balance - March 31, 1995 \$220,000.00

Anticipated Revenues:

Property Tax	14,600.00
Delinquent Tax	250.00
State Shared Revenues	52,000.00
Administration Fees	2,000.00
Township Hall Rent	400.00
Interest	6,000.00
Impact fee (Dafter Landfill)	5,000.00

Total Anticipated Revenues 80,250.00

Total Anticipated Balance and Revenues 300,250.00

Anticipated Expenses:

Township Board	31,200.00
Supervisor	6,050.00
Assessing	10,000.00
Clerk	10,550.00
Treasurer	11,400.00
Election	1,200.00
Township Hall and Grounds	32,000.00
Recreation	7,500.00
Zoning	11,300.00
Board of Review	1,000.00
Roads	160,000.00
Transfer to Fire Fund	12,550.00
Contingency	5,500.00

Total Anticipated Expense 300,250.00

ROAD FUND

Anticipated Balance - March 31, 1995 39,800.00

Anticipated Revenue:

Voted Millage	9,800.00
Interest	400.00

Total Anticipated Revenue 10,200.00

Total Anticipated Balance and Revenue 50,000.00

Adopted
4-13-95

FIRE FUND

Anticipated Cash Balance - March 31, 1995		\$ 4,000.00
Anticipated Revenues:		
Office of Emergency Services	3000.00	
Fire Runs	2000.00	
Interest	250.00	
Transfer From General Fund	12550.00	
Total Anticipated Revenues		<u>17,800.00</u>
Total Anticipated Balance and Revenues		21,800.00
Anticipated Expenses:		
Supplies	200.00	
Firemen	1000.00	
Electricity	600.00	
Fuel Oil	2000.00	
Gas and Oil	500.00	
Insurance	1500.00	
Maintenance and Repair	4000.00	
Equipment	4000.00	
Education and Training	1000.00	
Misc.	2000.00	
Ambulance Runs	5000.00	
Total Anticipated Expenses		<u>21,800.00</u>

LIQUOR FUND

Anticipated Cash Balance - March 31, 1995		220.00
Anticipated Revenues:		
State Reimbursement	385.00	
Interest	<u>10.00</u>	
Total Anticipated Revenue		<u>395.00</u>
Total Anticipated Balance and Revenues		615.00
Anticipated Expenses:		
Salary	480.00	
Social Security	40.00	
Contingency	<u>95.00</u>	
Total Anticipated Expenses		615.00

GENERAL FUND

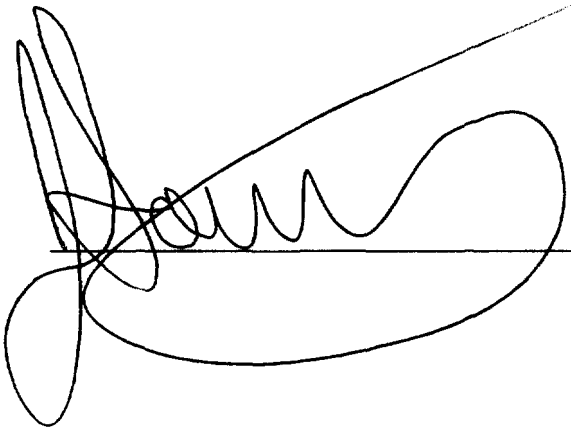
TOWNSHIP BOARD	31,200.00	ELECTION	1,200.00
Salaries	1800.00	Salaries	800.00
Social Security	2400.00	Misc.	400.00
Office Supplies	500.00		
Attorney	3000.00	TOWNSHIP HALL AND GROUNDS	32,000.00
MTA Dues	400.00	Salary	1800.00
MTA Registrations	200.00	Supplies	1000.00
Advertising-Printing	500.00	Contractural Services	2000.00
Insurance-Pensions	12000.00	Buildings	20000.00
Convention	800.00	Electricity	600.00
Education-Training	600.00	Street Lights	1500.00
Equipment-Computer	8500.00	Fuel Oil	2000.00
Bayliss Public Library	100.00	Gas and Oil	100.00
Misc.	400.00	Maintenance-Repair	3000.00
SUPERVISOR	6,050.00	RECREATION	7,500.00
Salary	4200.00	ZONING	11,300.00
Office Supplies	300.00	Salaries	2000.00
MTA Registrations	150.00	Printing-Advertising	1000.00
Convention	800.00	Administrator	4000.00
Telephone	100.00	Supplies	300.00
Travel	100.00	Attorney	3000.00
Education-Training	300.00	Education-Training	1000.00
Misc.	100.00		
ASSESSING	10,000.00	BOARD OF REVIEW	1,000.00
Assessor	7000.00	Salaries	750.00
Computer-Software	2000.00	MTA Registrations	150.00
Manatron	1000.00	Advertising	100.00
CLERK	10,550.00	ROADS	160,000.00
Salary	4200.00	TRANSFER TO FIRE FUND	12,550.00
Office Supplies	600.00	CONTINGENCY	5,500.00
Computer-Software	2000.00		
Equipment-Repairs	600.00		
MTA Registrations	150.00		
Telephone	100.00		
Travel	100.00		
Convention	800.00		
Education-Training	2000.00		
TREASURER	11,400.00		
Salary	4200.00		
Deputy Treasurer	600.00		
Office Supplies	500.00		
Computer-Software	2000.00		
Manatron	1200.00		
MTA Registrations	150.00		
Telephone	50.00		
Travel	100.00		
Convention	800.00		
Equipment-Repairs	300.00		
Education-Training	1500.00		

CERTIFICATE OF SERVICE

I, Jeffrey D. Southmayd, do hereby certify that on this 26th day of September, 1995, copies of the foregoing were sent by first class mail, postage prepaid, to the following:

Ms. Kathleen Scheuerle
Allocations Branch
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
5th Floor
Washington, D.C. 20554

Shaun A. Maler, Esquire
Smithwick & Belendiuk, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
Counsel to Algoma Broadcasting Co.

A handwritten signature in black ink, appearing to read "Jeffrey D. Southmayd", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.